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Report of the Independent International Commission of Inquiry on the Syrian Arab Republic^{*, **}

Summary

The conflict in the Syrian Arab Republic has now entered its eighth year, as civilians countrywide continue to withstand the brunt of ongoing hostilities. Syrian women, men and children in the east of the country, for example, witnessed large-scale operations by the international coalition led by the United States of America, and the Syrian Democratic Forces, which led to near complete destruction of towns and villages in and around Hajin and Baghuz (Dayr al-Zawr). Waves of displacements from these areas ensued, in which tens of thousands of fleeing civilians were taken to makeshift settlements, including Al-Hol camp, straining the already severely overstretched humanitarian resources.

Meanwhile, beginning in February, aerial and ground offensives by pro-government forces to oust Levant Liberation Organization (Hay'at Tahrir al-Sham) terrorists and affiliated armed groups from Idlib, northern Hama, Ladhqiyyah and western Aleppo escalated dramatically, destroying infrastructure essential to the survival of the civilian population, including hospitals, markets, educational facilities and agricultural resources, and forcing hundreds of thousands to flee.

In areas controlled by the Government, civilians, including recent returnees, were arbitrarily arrested and detained. Service provision in Dar'a and Duma, eastern Ghutah (Rif Dimashq) is, moreover, ineffective, depriving hundreds of thousands of civilians of adequate access to water, electricity and education.

In order to mitigate the most urgent protection gaps, the Commission proposes a series of pragmatic recommendations to Member States and, in particular, to those that provide support to the warring parties. The international community as a whole bears a shared responsibility for the myriad crimes committed against millions of Syrian women, men and children.

* Agreement was reached to publish the present report after the standard publication date owing to circumstances beyond the submitter's control.

** The annexes to the present report are circulated as received, in the language of submission only.

Contents

	<i>Page</i>
I. Mandate and methodology.....	3
II. Introductory remarks.....	3
III. Political and military developments.....	4
IV. Protection of civilians.....	6
A. Dayr al-Zawr	6
B. Idlib, northern Hama, Ladhiqiyah and western Aleppo.....	8
C. Afrin (Aleppo).....	11
V. Impact of the ongoing conflict.....	11
A. Afrin (Aleppo).....	11
B. Government-held areas.....	13
C. Displacement.....	14
D. Gendered harms.....	17
VI. Recommendations.....	18
Annexes	
I. Map of the Syrian Arab Republic.....	20
II. Attacks in Idlib, northern Hama, Ladhiqiyah and western Aleppo.....	21

I. Mandate and methodology

1. In the present report, submitted to the Human Rights Council pursuant to its resolution 40/17, the Independent International Commission of Inquiry on the Syrian Arab Republic presents its findings based on investigations conducted from 11 January to 10 July 2019.¹ The methodology employed by the Commission was based on the best practices of commissions of inquiry and fact-finding missions.
2. The information contained herein is based on 291 interviews conducted in the region and from Geneva. The Commission collected, reviewed and analysed satellite imagery, photographs, videos and medical records. Communications from Governments and non-governmental organizations were taken into consideration, as were United Nations reports.
3. The standard of proof was considered met when the Commission obtained and corroborated a reliable body of information sufficient for it to conclude that there were reasonable grounds to believe the incidents occurred as described and that violations were committed by the identified warring party. Protection concerns in relation to interviewees further affected the Commission's inquiry. In all cases, the Commission remained guided by the principle of "do no harm".
4. Since its inception, the Commission has been open to discussing its findings with the authorities of the Syrian Arab Republic, although its investigations remain curtailed by the denial of access to the country.

II. Introductory remarks

5. For nearly eight years, the Commission has chronicled violations of international human rights law and international humanitarian law in the Syrian Arab Republic. Throughout this period, the Syrian conflict has generated myriad distinct conflict settings and, correspondingly, a variety of harsh realities for Syrian women, men and children. Violations differ in scale and manner from one region to another, depending on the actors waging campaigns in a given region and those having control of it. In many governorates, civilians continue to persevere despite enormous protection gaps. Those suffering the most belong to vulnerable groups, such as women, children, older persons, persons with disabilities and minorities.
6. As has been a hallmark of the conflict, civilians continue to bear the brunt of the ongoing hostilities, including in Idlib, northern Hama, Ladhqiya and western Aleppo. Indeed, combat operations escalated during the reporting period, destroying infrastructure essential to the survival of the civilian population, including hospitals, markets, educational facilities and agricultural resources and forcing hundreds of thousands to flee. Meanwhile, civilians in the east of the country (Dayr al-Zawr) witnessed the winding down of large-scale military operations by the United States-led international coalition² and the Syrian Democratic Forces (SDF), which had led to the near complete destruction of towns and villages.
7. Waves of displacements ensued, in which tens of thousands fleeing the battle zones in Dayr al-Zawr sought refuge in makeshift settlements, straining the already severely overstretched humanitarian resources. The displacements have resulted not only in limited access to resources for civilians, but also an uneven distribution of services throughout the country. Furthermore, prolonged displacements remain unresolved, in particular in large camp settings, including Al-Hol, Ain-Issa, Al-Roj, Atma and Rukban camps, in which tens of thousands of civilians remain confined in desperate conditions amid wastelands.

1 The commissioners are Paulo Sérgio Pinheiro (Chair), Karen Koning AbuZayd and Hanny Megally.

2 In 2014, an international coalition of more than 60 Member States joined together to combat Islamic State in Iraq and the Levant (ISIL) through a variety of means, including air strikes.

8. Countless other Syrian women, men and children have endured persecution. In Idlib, for example, where Levant Liberation Organization (Hay'at Tahrir al-Sham) terrorists are operating, civilians continue to be unlawfully detained or kidnapped, and often, tortured for expressing political dissent. In government-controlled areas, civilians, including recent returnees, have been arbitrarily arrested and detained, harassed, mistreated and tortured.

9. While Syrians of all backgrounds have witnessed immense violence since the inception of the conflict, women, girls and boys remain disproportionately affected on multiple grounds. Syrian women are increasingly undertaking responsibilities beyond their traditional roles, while pre-established gender inequalities and the gendered harms that accompany them continue to undermine the enjoyment of their basic human rights. Furthermore, rapidly increasing instances of child marriage, child labour and forced recruitment serve as testimony to the negative coping mechanisms to alleviate the financial constraints. Access to civil documentation and birth registration also remain difficult, to the detriment of countless girls and boys countrywide, many of whom languish in camps for internally displaced persons without access to education.

10. Meanwhile, the scope and scale of arbitrary detentions, kidnappings and enforced disappearances, together with the destruction of vital infrastructure and the lack of effective service provision and civil documentation demonstrate that numerous challenges persist regarding the sustainable return of internally displaced persons and refugees (see A/HRC/40/70). To provide for the basic needs of returnees, support will be necessary for the rehabilitation of infrastructure.

11. In order to mitigate the most urgent protection gaps, government forces, armed groups and all parties to the conflict must facilitate unimpeded humanitarian access to civilians affected by fighting. Concerted, meaningful action must be taken by Member States, particularly those that provide support to the warring parties, as they bear a shared responsibility for the crimes committed against millions of Syrian women, men and children.

III. Political and military developments

12. During the period under review, major military operations were limited mainly to two operational theatres, namely Idlib and Dayr al-Zawr Governorates. Elsewhere, countrywide insurgencies emerged, giving rise to general insecurity and low-intensity conflicts. Geopolitical tensions also continued and, in some situations, posed a threat to regional peace and security.

13. In Dayr al-Zawr, SDF with air support from the United States-led international coalition continued their campaign against the Islamic State in Iraq and the Levant (ISIL). Beginning on 15 January, after clashes in Al-Susah, SDF pushed ISIL forces south along the Euphrates River Valley to its last stronghold of Baghuz. As the military campaign reached its final phase, tens of thousands of civilians, including ISIL fighters and their families, fled the front line through humanitarian corridors and were transferred by SDF to Al-Hol camp in Hasakah Governorate. On 23 March, the SDF general commander, Mazloum Abdi, proclaimed the end of the territorial rule of ISIL in the Syrian Arab Republic.

14. During the period under review, Idlib, northern Hama, Ladhikiyah and western Aleppo Governorates were embroiled in military escalation and a surge of violence against civilians. Despite the establishment of a demilitarized zone along this axis, pro-government forces sought to oust the Levant Liberation Organization and affiliated armed groups from the area.³

15. In late April, the wave of clashes and aerial bombardments throughout the demilitarized zone reached its peak. Russian and Syrian warplanes targeted the positions of

3

On 10 January 2019, the Levant Liberation Organization signed a ceasefire agreement with the National Front for Liberation, which halted all hostilities and allowed the Levant Liberation Organization and its affiliated "Salvation Government" to bring areas previously held by National Front for Liberation under its administrative rule.

the Levant Liberation Organization and affiliated armed groups in the countryside surrounding Idlib and Hama, while the Levant Liberation Organization and Hurras al-Din⁴ stepped up retaliatory attacks against government positions in Aleppo Governorate and the Humaymim Air Base (Ladhiqiyah). Early May witnessed the largest bombing campaign in the area in 15 months. The aerial campaign also enabled the Syrian army to advance in the south-western edge of the Idlib demilitarized zone, towards the strategic towns of Kafr Nabudah, Qal'at al-Madiq and Huwayz. The Syrian army's advance slowed down on 26 May, when it took control of the disputed town of Kafr Nabudah. Meanwhile, air strikes targeting the towns of Kafr Nabudah, Khan Shaykhun, Ma'arrat al-Nu'man, Jisr al-Shughur and Saraqib persisted. Air strikes and ground shelling on villages and towns in northern Hama and southern Idlib damaged or destroyed critical civilian infrastructure. The military campaign of the pro-government forces against the Levant Liberation Organization and others continued throughout the reporting period.

16. Conflict dynamics in Afrin (Aleppo) also intensified in terms of armed violence and attacks against civilians. The so-called Syrian National Army consolidated its armed presence in the region, and established a formal security framework, with operation and coordination centres. In parallel, Kurdish insurgent groups, linked to the Kurdish People's Protection Units, such as Ghadab al-Zaytun and Afrin Liberation Forces, have engaged in asymmetric warfare against factions operating under the Syrian National Army.

17. Politically, tensions between the United States and Turkey continued over the former's support for SDF. In January, both countries began negotiations concerning Washington's proposal to establish a "safe zone" in flashpoint border areas in the north-east of the Syrian Arab Republic. The President of Turkey, Recep Tayyip Erdoğan, announced that his country had the right to create the proposed "safe zone" under the Adana Agreement signed between it and the Syrian Arab Republic in 1998.⁵ The Russian Federation supported the announcement, while the Government of the Syrian Arab Republic claimed that reviving the deal depended on Ankara ending its backing of armed opposition actors and withdrawing its troops from the north-west of the Syrian Arab Republic.

18. In the south of the Syrian Arab Republic, discontent among residents has grown. Since the Government re-established its authority throughout the south of the country, secret police have launched a campaign of arrests targeting former opposition figures, which has sowed widespread fear. In Dar'a Governorate, tensions peaked in March when a new statue of former President Hafez al-Assad was erected. The protests spread to Tafas, triggering the deployment of additional Syrian army units to the area. In June, insecurity was accentuated after a rise in killings of former Free Syrian Army fighters and government soldiers, in addition to continuing protests against security forces.

19. On the political front, the new Special Envoy of the Secretary-General for Syria conducted his first trip to Damascus on 15 January, where he met the Deputy Prime Minister and Minister for Foreign Affairs, Walid al-Muallem, who expressed the Government's readiness to cooperate with the Special Envoy. On 28 February, the Special Envoy held his first Security Council briefing outlining the five goals for his engagement with Syrian, regional and international actors.⁶ Despite the Special Envoy's diplomatic

4 Hurras al-Din is an armed insurgent group allied with Al-Qaida.

5 The Adana Agreement, signed on 20 October 1998, invites the Syrian authorities to fight against the Kurdistan Workers' Party on Syrian territory, and gives Turkey the right to intervene militarily in the Syrian Arab Republic.

6 The five goals for the Special Envoy's engagement with Syrian and regional actors consist of: (a) beginning and deepening a sustained dialogue with the Government of the Syrian Arab Republic and the opposition on building trust and confidence towards a safe, calm and neutral environment; (b) seeing more concrete action on detainees, abductees and missing persons through engagement with the Astana guarantors, Syrian parties and all concerned; (c) engaging a wide range of Syrians moving forward and involving them in the process; (d) convening a credible, balanced and inclusive constitutional committee as soon as possible; and (e) helping the international parties deepen their own dialogue towards the common purpose of a credible and sustainable political settlement of the Syrian conflict that can enjoy international legitimacy. See Security Council briefing on the Syrian Arab Republic by the Special Envoy, 28 February 2019. Available at <https://dppa.un.org/en/security-council-briefing-syria-special-envoy-geir-o-pedersen>.

efforts, no final agreement on the composition and the date of the first meeting of the constitutional committee has been found.

20. In another significant political development, the President of the United States, Donald Trump, called for the recognition of the sovereignty of Israel over the occupied Golan Heights. The Syrian Government, the Astana guarantors and the League of Arab States called such a move illegal. In its resolution 497 (1981), the Security Council declared that the Israeli decision to impose its laws, jurisdiction and administration in the occupied Syrian Golan Heights was null and void and without international legal effect.⁷

21. In the meantime, Israel continued to attack alleged Iranian and Hizbullah targets in the Syrian Arab Republic. During May and June, the Israeli Air Force stepped up attacks against pro-government positions in southern Quneitra and Homs in response to alleged rocket attacks from the Syrian Arab Republic. The Commission received reports of Israeli air strikes on 1 July on Damascus, Rif Dimashq and Homs Governorates, allegedly leading to civilian deaths and injuries (see S/2019/545).

22. In early July, the President of the Syrian Arab Republic, Bashar al-Assad, reshuffled the country's security apparatus. The changes covered the directors of the principal security services, including the Air Force Intelligence Directorate, State security and the criminal and political security services. Moreover, the Head of the National Security Bureau, Ali Mamlouk, was appointed Vice-President for Security Affairs.

23. Also in July, SDF signed an action plan with the Special Representative of the Secretary-General for Children and Armed Conflict to end and prevent the recruitment and use of children, as well as to identify and separate boys and girls within the group's ranks and to put in place protection and disciplinary measures related to child recruitment and use.

IV. Protection of civilians

24. After more than seven years of brutal armed conflict,⁸ the most salient feature of the hostilities throughout the Syrian Arab Republic remains the wilful non-compliance with international law. Moreover, all warring parties continue to ignore or deny arbitrarily assurances of protection, including guarantees of sustained and unhindered humanitarian assistance to vulnerable civilian populations. Meanwhile, the deliberate targeting of civilian-inhabited areas and protected objects flared up during the period under review.

25. The Commission's findings clearly indicate that there are varying situations concerning the rule of law in the different areas of the country and that, in general, citizens still feel unsafe and unprotected by the State. For example, citizens are prone to abduction for ransom or for political gain, extortion and acts of retribution. Those who have lost their properties or their livelihoods have little recourse to justice, while those in detention risk ill-treatment and, in some instances, execution.

A. Dayr al-Zawr

26. Following the cessation of major military operations in Hajin (A/HRC/40/70, para. 16), the Commission continued to investigate the final stages of operation Al-Jazeera Storm, conducted by SDF with support from the international coalition. The campaign was directed against the remaining ISIL pockets in areas south of Hajin, in particular in and around Baghuz. Throughout the operations, battles were characterized by hundreds of coalition air strikes, heavy artillery bombardment by SDF, coalition forces and Iraqi forces through cross-border operations, as well as, on occasion, shelling originating from territory controlled by the Government of the Syrian Arab Republic. Entrenched in fortified bases and among hundreds of civilians, including women and children, ISIL elements responded with anti-tank guided missiles, sniper fire and vehicle-borne improvised explosive devices.

⁷ See also General Assembly resolution 73/100.

⁸ The Commission first determined the existence of a non-international armed conflict in the Syrian Arab Republic beginning in February 2012 (see, e.g., A/HRC/21/50).

27. The Commission continued its investigations into a series of air strikes carried out by the United States-led international coalition during operation Al-Jazeera Storm (A/HRC/40/70, para. 49), which resulted in a high number of civilian casualties. For example, on 3 January at approximately 7.30 a.m., a series of air strikes hit a single-floor residential building and its immediate vicinity. The building was positioned more than a kilometre east of the centre of Sha'fah, south of Hajin. Analysis of the impact site, including the crater, in conjunction with witness statements describing the launching of rockets from a jet fighter, led the Commission to conclude that an air strike had been the cause of the damage.⁹

28. The strike killed 16 civilians, including 3 women, 1 man, 3 boys and 9 girls. The majority of children killed were aged 5 years or less, with the youngest victim being a 2-month-old infant. Fourteen victims belonged to the same family, while two additional victims were relatives staying at the house. Two boys survived the attack, sustaining injuries.

29. Witness statements, satellite imagery and video material received and reviewed by the Commission confirmed the targeted object had been an isolated building on the outskirts of Sha'fah, hundreds of metres from the next cluster of residential buildings and positioned off the main roads. While interviewees confirmed the presence of ISIL terrorists in Sha'fah itself, the Commission found no indication of any ISIL presence or military target in the wider area of the building struck at the time of the attack.

30. The Commission recalls numerous previous attacks by the United States-led international coalition that resulted in death or injury to civilians.¹⁰ Furthermore, the Commission notes the isolated location of the targeted object, the high number of civilian casualties who were overwhelmingly children and the specific statements of eyewitnesses indicating the exclusive presence of civilians at the scene of the incident, all coinciding with the apparent absence of a military target in the area of the attack.

31. The evidence obtained regarding this incident indicated that international coalition forces failed to employ the necessary precautions to discriminate adequately between military objectives and civilians. The Commission finds that there are reasonable grounds to believe that international coalition forces may not have directed their attacks at a specific military objective, or failed to do so with the necessary precaution. Launching indiscriminate attacks that result in death or injury to civilians amounts to a war crime in cases in which such attacks are conducted recklessly.¹¹

32. Towards the end of January, SDF advancement was decelerated due to the large presence of civilians, often consisting of wives and children of ISIL fighters who were fleeing the combat zone. To illustrate the point, the Commission received reports of an air strike in the early hours of the morning of 29 January, which allegedly killed at least one man, four women and three boys. The attack struck the Moshan area of Baghuz Tahtani, where a crowd of civilians had gathered to leave the town.

33. On 9 February, SDF announced the advent of decisive battles centred around Baghuz. At that point, and while estimates vary considerably, several hundred ISIL fighters and up to one thousand civilians remained in the enclave after thousands of civilians, mostly women and children, had fled the area towards Al-Hasakah Governorate (see para. 81 below). After weeks of intense fighting and the near complete destruction of Baghuz, on 23 March SDF announced the full liberation of operational areas from ISIL.

9 Between 30 December 2018 and 12 January 2019, the Combined Joint Task Force (Operation Inherent Resolve) conducted 575 strikes consisting of 1,147 engagements in the Syrian Arab Republic, see www.centcom.mil/MEDIA/PRESS-RELEASES/Press-Release-View/Article/1734375/january-15-cjtf-oir-strike-summary-dec-30-2018-jan-12-2019.

10 A/HRC/37/72, para. 39, and annex IV (paras. 7–11); and A/HRC/40/70, paras. 46–48.

11 For the *mens rea*, see, e.g., International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, *Prosecutor v. Stanislav Galić*, Case No. IT-98-29-T, judgment of 5 December 2003, para. 54. Cf. Jean-Marie Henckaerts and Louise Doswald-Beck, *Customary International Humanitarian Law – Volume I: Rules* (Geneva, International Committee of the Red Cross; Cambridge, United Kingdom, Cambridge University Press, 2005), rule 156.

34. In addition to front-line battles, the Commission received several accounts of night raids carried out by SDF with the aerial support of helicopter gunships provided by international coalition forces, which killed and injured civilians. For example, on 4 January 2019 at approximately 1.00 a.m., a night raid in SDF-controlled Kashmah village killed up to eight civilians including five men, two women and one boy, and further injured one man and one girl. While the exact unfolding of events is still under investigation, accounts received by the Commission suggest an exchange of fire between some villagers and SDF with the support of helicopter gunships, which led to the killing of several villagers. The local community perceived the raid as an attack on fellow tribal members, while SDF claim that they responded to fire from ISIL elements in the village. The Commission received information and supporting documentation that, on 27 January, a settlement of \$80,000 was offered by SDF to the family members of the deceased.

35. In another incident on 25 April, at approximately 1.00 a.m., interviewees described how two helicopters circling over Al-Daman village warned, using loudspeakers, the inhabitants of the village not to leave their homes, and that non-compliance would cause forces to open fire. Witnesses described how a voice over a loudspeaker ordered the female family members of a certain house to leave it, resulting in two women and two girls leaving the house and being handcuffed. Afterwards, the men from the house were ordered to leave. While the exact unfolding of events is under investigation, three men and one pregnant woman, all reportedly unarmed, were subsequently shot by SDF. The following day, villagers protested against SDF and reportedly burned down SDF checkpoints.

36. On 8 May, at approximately 1.00 a.m., a night raid by SDF, supported by international coalition air power, was conducted in the Al-Katif neighbourhood of Shahil, under SDF control. Reports received by the Commission described how, despite warnings given through loudspeakers, three men left their homes and were subsequently shot. Reportedly, this led to an exchange of fire when enraged residents of the town began to engage with SDF. The operation, which killed six men and injured another, infuriated residents and sparked major protests the following day, resulting in the accidental killing of a man when SDF fighters fired warning shots in the air near a checkpoint.

37. In addition to above-mentioned incidents, local residents have protested against widespread corruption, extortion, the lack of services and security, and the abuse of power by SDF commanders and fighters throughout Dayr al-Zawr Governorate. The present situation, which is further aggravated by the continued presence of ISIL, has left the civilian population in dire humanitarian conditions, with limited access to health, education and basic services. The Commission notes with concern that, since the cessation of operations by SDF and the international coalition, a degraded and dispersed ISIL force participates in low-level insurgency, conducting numerous attacks and assassinations throughout Dayr al-Zawr Governorate.

38. The foregoing incidents indicate that all feasible precautions have not been taken by SDF and the international coalition forces in its supporting role – in both the planning and implementation phases of operations – to avoid or minimize harm to civilians, in violation of international humanitarian law.

B. Idlib, northern Hama, Ladhqiyyah and western Aleppo

39. The September 2018 agreement between the Russian Federation and Turkey to form a demilitarized zone comprising areas of Idlib, northern Hama, Ladhqiyyah and western Aleppo offered the hope that a stalemate would materialize. Instead, hostilities in the zone escalated in two major waves, first in mid-February and then again at the end of April. At the time of writing, both aerial and ground offensives throughout the demilitarized zone continue with devastating effects.¹²

40. Between February and July, members of the Levant Liberation Organization and Jaysh al-Izza militants situated in the demilitarized zone launched a barrage of rockets

12

Upon capturing dozens of towns and villages from rival armed groups in January 2019 (see A/HRC/40/70), Levant Liberation Organization terrorists assumed control over more than 90 per cent of Idlib Governorate, alongside adjacent strips of northern Hama and western Aleppo.

towards government-held areas in the countryside surrounding Aleppo and Hama, in attacks that terrorized, killed and maimed scores of civilians (see, e.g., S/2019/462). Levant Liberation Organization terrorists simultaneously employed unmanned aerial vehicles (or “drones”) to attack the military positions of pro-government forces in Ladhikiyah Governorate, including the Humaymim Air Base.¹³

41. On 7 April, for example, members of the Jaysh al-Izzah armed faction positioned on the Ghab plain (northern Hama) launched rockets towards Masyaf district (Hama), striking the National Hospital. The attack killed 6 civilians, including a child, and injured some 20 others, including medics, patients and children. A second rocket simultaneously struck a private home next to the National Hospital.

42. Similarly, on 16 June, at approximately 11.00 p.m., Levant Liberation Organization terrorists based in Khan Toman (Aleppo) launched at least a dozen 120 mm Grad rockets towards Al-Wadihi village located in the southern countryside around Aleppo. The attack killed 13 civilians including 4 women, 5 men and 4 children, all of whom were celebrating a wedding at the time.

43. The foregoing attacks were characterized by indiscriminate, indirect artillery fire into densely populated civilian areas, with no apparent legitimate military objective, the effect of which terrorized the inhabitants of the countryside surrounding Hama and Aleppo. In each instance, there are reasonable grounds to believe Jaysh al-Izzah and Levant Liberation Organization militants committed the war crime of launching indiscriminate attacks resulting in the death or injury of civilians,¹⁴ as well as the war crime of intending to terrorize civilians living under government control.¹⁵

44. To oust the Levant Liberation Organization and its affiliates from the demilitarized zone, government forces launched concerted aerial offensives in mid-February, beginning in Ma'arrat al-Nu'man district (Idlib). In early March, and in response to attacks against Humaymim Air Base, the Russian Aerospace Forces joined the campaign. Shortly thereafter, hundreds of thousands of civilians throughout the demilitarized zone and its environs were caught in a devastating human rights and humanitarian catastrophe, as pro-government forces began striking dozens of hospitals, educational facilities, markets, schools, bakeries and agricultural lands. By mid-May, up to 200,000 civilians were displaced from the demilitarized zone, while 15 health facilities, 16 schools and three settlements for internally displaced persons reportedly were affected by hostilities.

45. For example, on 9 March, between approximately 6.40 and 8.30 p.m., government forces carried out an aerial attack in northern Saraqib, launching four missiles, which caused damage to Al-Hayat women's and children's hospital, a blood bank and an ambulance response unit providing services to approximately 80,000 residents. Al-Hayat hospital was included in the United Nations deconfliction mechanism and the pro-government forces were aware of its coordinates at the time of the attack. One witness described that, at around 6.40 p.m., a first missile struck a residential area in the vicinity of the hospital, killing one man and one girl. Minutes later, a second missile hit a blood bank in northern Saraqib, located some 300 metres from Al-Hayat hospital, damaging vital equipment and medical supplies and rendering the building unusable for at least four days. Approximately 20 minutes later, in anticipation of further attacks, patients at Al-Hayat hospital were transferred to an underground shelter, in which they remained for 30 minutes before being evacuated. During the evacuation, between 7.00 and 8.00 p.m., a third missile struck the main entrance of Al-Hayat hospital, damaging a generator and vital medical equipment. Some 15 to 30 minutes later, a fourth missile struck an ambulance response unit located less than 1 kilometre from Al-Hayat hospital, damaging its walls and windows and

13 While the Commission was unable to determine which side first attacked the other, the presence of the Levant Liberation Organization and their heavy weapons in the demilitarized zone was, in and of itself, in violation of the terms of the memorandum on the stabilization of the situation in the Idlib de-escalation area signed by the Russian Federation and the Turkey in Sochi on 17 September 2018.

14 See Henckaerts and Doswald-Beck, *Customary International Humanitarian Law*, rule 156.

15 *Prosecutor v. Stanislav Galić*, Case No. IT-98-29-A, judgment of 30 November 2006, paras. 99–109.

injuring a male staff member (see annex II for a detailed description of a series of other attacks).

46. A second escalation of violence by pro-government forces began in northern Hama and Idlib Governorates on 29 April. Approximately one week later, on 5 May, pro-government forces carried out air strikes against at least three hospitals in Idlib: a “deconflicted” cave hospital in Haas, the “deconflicted” Orient hospital, and Al-Sham hospital in Kafr Nubl.

47. On 14 May, at around 7.00 p.m., pro-government forces airdropped between two and four missiles on a fish market and primary school for girls in Jisr al-Shughur. Eyewitnesses described how at least three missiles had been airdropped on the market, largely destroying commercial shops and market stands, while bodies were scattered throughout the affected area. The attack killed at least eight civilians, including seven men and a 3-year-old girl, while injuring eight other persons.

48. Witnesses interviewed by the Commission recalled that, a few minutes after the first strike, a second missile hit nearby Abdul Rahman al-Naser primary school for girls, destroying its walls, the administration office, as well as the school bookshop and playground. One witness described how, earlier in the morning on that day, teachers had interrupted the distribution of diplomas due to the increased number of reconnaissance aircraft circling over the town. Moreover, during the period under review, the Commission received credible information that some 70 schools in the demilitarized zone of Idlib had been destroyed or damaged by hostilities, depriving over 200,000 pupils from receiving formal education.

49. Alongside dozens of attacks against civilian infrastructure, including specially protected objects, the Commission notes with grave concern that tens of thousands of hectares of vital crops and farmland in the demilitarized zone were set on fire during the period under review. Satellite imagery reviewed by the Commission showed fields, orchards and olive groves burning throughout the region, including those used to harvest crops, such as barley, wheat and vegetables. Investigations are ongoing.

50. In late May and into early June, pro-government forces carried out attacks using incendiary weapons in southern Idlib. For example, pro-government forces launched attacks in Khan Shaykhun on 25 and 26 May, which began at approximately 11.30 p.m. and continued after midnight. The closest front lines to Khan Shaykhun at the time were in Suran and Kafr Nabudah, both located some 12 kilometres away. Due to attacks against civilian infrastructure and those on agricultural land, tens of thousands of civilians had fled Khan Shaykhun by July.

51. Hundreds of civilians have been killed in the north-west of the Syrian Arab Republic since the beginning of 2019. In addition to the deaths and injuries, at least 330,000 women, men, and children had been displaced by the end of June to different communities in Idlib, western Aleppo and Hama Governorates. Civilians fled to overcrowded areas in which resources were already scarce, further stretching the limited relief capacities of the humanitarian organizations. Others, unable to secure a place in camps such as Atma camp near the border with Turkey, were left without shelter and subsequently forced to seek refuge under olive trees nearby. Approximately 50,000 civilians from the demilitarized zone are currently stranded, the majority of whom are women and children who subsist without adequate access to food, medicine or sanitary services.

52. The above pattern of attack strongly suggests that pro-government forces systematically targeted medical facilities. Such attacks may amount to the war crime of deliberately attacking protected objects and intentionally attacking medical personnel.¹⁶ Moreover, a palpable fear of violence and duress, caused by the persistent shelling of civilian-inhabited areas and the targeting of specially protected objects in the demilitarized zone, was documented. Indeed, residents recalled keeping their lights off and restricting

16

A/HRC/27/60, paras. 109–111; A/HRC/33/55, paras. 42–65; and A/HRC/34/64, paras. 30–40. On 3 May 2016, moreover, the Security Council adopted resolution 2286 (2016), condemning attacks on medical facilities and personnel in conflict situations.

their movements due to the fear of aerial attacks, creating an environment in which civilians were left with no choice but to flee.

53. The Commission has noted a number of fires affecting agricultural crops, which are indispensable to the survival of the civilian population. In some cases, the fires may have been the result of the use of incendiary weapons by pro-government forces in the vicinity of agricultural areas. Investigations are ongoing.

54. The Commission notes with grave concern that the civilians of Idlib Governorate have also suffered from persecution over the past year. Previously, the Commission had found that Levant Liberation Organization terrorists had perpetrated the mass arbitrary detention of political dissenters.

C. Afrin (Aleppo)

55. Overall, security conditions within Afrin and adjacent districts remained dire throughout the reporting period. While infighting between rival armed groups persisted in 2019, a formal security structure under the so-called Syrian National Army framework, comprising most Olive Branch factions, had consolidated control over the region (A/HRC/40/70, para. 35). The armed factions within this framework have de facto carved up the province in geographic zones of influence. Local residents consistently described chaotic security conditions, a general absence of the rule of law and repeated cases of kidnappings, abductions, torture, extortion and assassinations. Such human rights violations by Syrian National Army factions during the period under review have followed a persistent and clearly discernible pattern.

56. The security situation was further exacerbated by an insurgency campaign directed against the Turkish presence and supporting armed factions in the north-west of the country, primarily fought by Kurdish insurgent actors linked to the Kurdish People's Protection Units operating out of Tall Rif'at and the surrounding areas.

57. Civilians were regularly caught in the crossfire of rival factions or insurgent activity, or directly subjected to flagrant human rights violations. For example, on 28 May in Jindayris, a 35-year-old husband and father of three girls and one boy died while standing outside his shop during an exchange of fire that had erupted between two armed groups operating under the Syrian National Army.

58. While Afrin district witnessed a series of bomb attacks during the reporting period, a major incident on 2 June in the town of I'zaz caused the death of at least 13 civilians, including 8 men, 2 women and 3 boys, while injuring 15 others. At around 9.45 p.m., a time when the so-called Kurdish market was heavily crowded with residents leaving a nearby mosque following the end of evening prayers, a car bomb exploded at the market killing and injuring a large number of civilians.

V. Impact of the ongoing conflict

A. Afrin (Aleppo)

59. Throughout Afrin, the dire security situation continued to foster an environment in which human rights abuses were committed, including abductions and kidnappings, often for a combination of economic, political and security reasons. The victims of abductions by armed groups and/or criminal gangs were often of Kurdish origin, as well as civilians perceived as being prosperous, including doctors, businesspersons and merchants. Victims regularly disappeared when travelling, primarily at checkpoints, or were abducted from their homes at night. For example, the Commission documented a case in which, on 13 May, two men and a child with intellectual disabilities had been kidnapped by an armed group when travelling from Afrin to I'zaz. One of those abducted was reportedly found dead a few days later displaying signs of torture, while the kidnappers demanded a ransom of \$10,000 for the remaining abductees. Accounts received by the Commission indicated

that the second man was discovered dead 40 days after the incident, also with visible signs of torture; thereafter, the remains of the child were found.

60. Individuals, including activists openly critical of the armed groups and those perceived to be supporters of the former administration, were regularly arrested, detained, tortured and extorted. For example, one interviewee described that, after his arrest by an armed group in January, he had suffered severe beatings and burns while in detention, until the sum of \$600 had been paid for his release. In another case in February, one journalist was arrested by an armed group in Afrin, and was accused of sharing information with foreign news agencies. He was severely beaten during his interrogation.

61. Residents stated to the Commission that recent waves of arrests were perceived by the local population as designed primarily to generate financial income for armed groups. In this regard, the Commission received reports that young men arrested on suspicion of being affiliated with Kurdish structures were forced to pay a fine of \$400 in order to be released.

62. Displaced civilians returning to Afrin have been frequently barred from accessing their property if it had been appropriated by members of armed groups and their families. Others were required to pay up to several thousand dollars to have their goods and vehicles returned to them after they had been stolen (see also A/HRC/39/65, para. 29). Reports received by the Commission indicate that farmers were forced to pay “taxes” in order to cultivate their lands. Olive farmers were similarly required to cede a certain percentage of their harvest as “taxes” to armed groups. Furthermore, the Commission received several reports regarding the pillaging of historical and archaeological sites by armed groups, including Tel Jenderes. These reports are under investigation.

63. Reports received by the Commission also indicated that, particularly in areas under the control of armed factions following extremist ideologies,¹⁷ severe restrictions on women’s rights had been imposed in recent months. Violations include the imposition of strict dress codes for women and girls and limitations on freedom of movement. At the same time, women and girls were harassed by armed group members, in particular when attempting to pass checkpoints.

64. Victims who lodged complaints to local councils, the military police and Turkish officials consistently stated that the parties in control remained either unwilling or unable to provide effective redress. The Commission received no indication that the Turkish authorities were either capable of or willing to control the misconduct of armed groups.

65. The Commission continued to receive reports alleging that the Turkish authorities were controlling, coordinating and financing administrative, judicial and executive structures. Residents pointed out that Syrian judges and lawyers were appointed by, or in coordination with, the Turkish authorities, and that civilian police officers were also being selected and trained by them (A/HRC/40/70, para. 70). Reportedly, officials of Kurdish origin who had previously worked in institutions had frequently been replaced by persons of Arab descent. Even so, interviewees continued to describe administrative as well as executive structures as largely incapable of addressing grievances spawned by the unlawful conduct of dozens of armed groups.

66. The Commission finds that there are reasonable grounds to believe that members of the armed groups in Afrin continued to commit the war crimes of hostage-taking, cruel treatment, torture (see paras. 59–61 above) and pillage (see para. 62 above).

B. Government-held areas

67. Throughout areas under the control of government forces, including Rif Dimashq and Dar’a Governorates, the Commission continued to receive accounts of arbitrary detention and enforced disappearances (A/HRC/40/70, paras. 73–77). In Yabrud and Qalamun (Rif Dimashq), for example, dozens of men aged between 20 and 25 years were arrested and forcibly disappeared during the period under review.

17

These include Ahrar al-Sham, Faylaq al-Sham, Jaysh Usud al-Sharqiyah and Nur al-Din al-Zinki.

Dar'a

68. Upon capturing Dar'a Governorate from armed groups in late July 2018, government forces imposed a "reconciliation" process on civilians who had decided to remain in the area.¹⁸ Specifically, all civilians were required to sign an oath of loyalty, a copy of which the Commission recently obtained. Stipulations included numerous infringements of key human rights, including the right to peaceful assembly. Furthermore, civilians were made to reveal the names of anyone who had elected to be evacuated from the area, as well as the contact details of human rights activists. Throughout the latter half of 2018, a committee went to villages throughout Dar'a in order to make civilians sign the document, they were only given minutes to read and sign it.

69. In connection with the "wanted lists" compiled largely on the basis of the intelligence gathered by government forces in the manner described above, the Commission received accounts of enforced disappearances throughout Dar'a Governorate, with the majority of victims being humanitarian workers deemed to have "betrayed the country" for documenting attacks by the Government. Multiple interviewees noted that the 4th Armoured Division of the Syrian army was controlling Dar'a. Describing the general security situation in Dar'a, interviewees reported that individuals connected with the 2011 uprising were being targeted by the 4th Armoured Division.

70. Beginning in mid-March, civilians in Dar'a city and Tafas became increasingly angry at the aforementioned mass arbitrary detentions of civilians and protested, demanding their release. In response, on 23 and 30 May, as well as on 12 June, government forces released some 61 individuals from prison. Investigations are ongoing.

71. In addition to arbitrary detention and enforced disappearances, the general humanitarian situation in Dar'a remains bleak. Services and utilities, including electricity, water and gas, are unavailable for the vast majority of inhabitants. In most villages, gas cylinders are either unavailable or prohibitively expensive. One man reported that electricity was provided by the State for only two to three hours each day, while water was supplied every three days and only for a few hours, which was insufficient to meet even basic needs.

72. Children in Dar'a remain acutely vulnerable, in particular primary and secondary-level schoolchildren, due to the influx of pupils returning to the governorate. Prior to the influx, schools throughout Dar'a had, on average, 25 to 30 children in each class. However, those figures have recently doubled. As many schools have been affected by hostilities, schools have begun operating in shifts in those buildings that can still hold classes. In addition, numerous teachers fled when government forces took control of the area in July 2018, leaving unqualified individuals to teach pupils. Although it is commendable that the Government has accepted the educational certificates issued by armed groups for younger children, it is apparently refusing to acknowledge those issued to students in grade 9 and above. This is forcing thousands of students to repeat classes and retake examinations.

Duma, eastern Ghutah

73. The overall situation for civilians in Duma, eastern Ghutah (Rif Dimashq), also remains critical. Interviewees described the presence of checkpoints located approximately every 200 metres throughout Duma, erected by government forces to restrict and control the movement of civilians who wish to exit the area. The vast majority of residents require approval to move from Duma to Damascus. In the event residents are granted permission to commute to Damascus, they are required to leave their identification documents with government soldiers at the checkpoints. One man noted that soldiers manning the checkpoints had a computerized system for tracking the movements of civilians who entered and exited Duma.

74. Several interviewees echoed the pervasive sense of fear among residents in government-held areas, whereby civilians witnessed others being arrested for communicating with their relatives in the north or abroad.¹⁹ In Duma, civilians spoke of

18

On oaths of loyalty and reconciliation, see also A/HRC/36/55, paras. 20–22.

19

See International Covenant on Economic, Social and Cultural Rights, art. 10 (3).

being monitored by government forces, noting that their phones were tapped and constantly monitored. In an effort to maintain their privacy, many residents throughout eastern Ghutah admitted to using single-use SIM cards.

75. The State is not supplying electricity to residential areas in Duma. Some residents noted how water supplied to the area was not potable. As in Dar'a, the situation of children is also critical, with residents in Duma reporting that large numbers of children are begging in the streets, selling bread and peanuts, or working on construction sites. Others spoke of the disparate impact poverty had on girls, noting that girls as young as 13 years had been "offered" for marriages as a second or third wife to older men.

C. Displacement

76. The Syrian conflict has displaced approximately 13 million civilians, including 6.7 million refugees and 6.2 internally displaced women, men and children. Uprooted from their homes and forced to leave everything behind, many continue to endure serious violations of their basic human rights. Attacks against medical and educational facilities, in addition to constraints on humanitarian access and the destruction of food supplies, have further compounded the plight of those fleeing and exacerbated their vulnerabilities.

77. The majority of those displaced are women and children who remain adversely affected by the conflict. In the context of displacement and beyond, women and girls face higher risks of exploitation and abuse. Persons with disabilities and older persons encounter significant protection and assistance concerns when relocated to settlements in which access to services is severely limited. Displacement, moreover, amplifies pre-existing gender inequalities and exacerbates gendered harms.

Rukban camp

78. After nearly four years of living in continuously deteriorating conditions and one-off aid deliveries,²⁰ some 16,000 women, men and children left the Rukban camp following a series of evacuations organized between late March and May. Evacuees described to the Commission that they had to pay for their transportation, including for their livestock and other items, to leave Rukban to travel to areas controlled by the Government. From there, civilians were then bussed out in batches and processed through security screening before reaching destinations in Homs Governorate.

79. Those lacking financial resources or otherwise unable to secure transportation out of Rukban remained behind, languishing in desperate conditions amid a wasteland. Women and girls have been affected disproportionately by rampant sexual and gender-based violence and exploitation. The situation of children is particularly extreme, with the majority of boys and girls in the camp having missed school for almost five years, in addition to those whose births were never officially registered with the competent authorities. Food, medicine and other life-saving supplies are no longer available.

80. The decision to leave, moreover, appears to be motivated by meagre prospects of further humanitarian deliveries and the increasing number of preventable deaths – including of infants – following the closure of supply routes previously used by civilians to smuggle food and medicine. Ongoing violations throughout government-held areas impede the right of civilians to voluntary return, in safety and dignity, to their original or another destination of their choice.²¹

Al-Hol camp

81. Between January and March, SDF and United States-led international coalition forces intensified attacks in eastern Dayr al-Zawr Governorate, targeting the last ISIL strongholds (paras. 26–33 above). As a result, tens of thousands of individuals, including

20 The last joint humanitarian convoy to Rukban camp by the United Nations and the Syrian Arab Red Crescent took place on 6 February. It consisted of food, health and nutritional supplies, vaccines, educational supplies and other items.

21 See Guiding Principles on Internal Displacement, principle 28.

ISIL fighters and their family members, were encircled in an area no larger than some 500 square kilometres, in which resources were already scarce and services largely non-existent. Stranded, witnesses recounted how they lived in tents, subsisting with almost no food or water, and continuously moving in order to escape near-constant aerial and ground bombardment, which caused scores of civilian casualties. In some instances, ISIL terrorists prevented individuals, including family members and Yazidi women, from fleeing the area. Female survivors of the last battles in Baghuz consistently reported being able to escape only after their husbands had been killed in the fighting. Escapees, mostly women, children and older persons, described being compelled to flee through open fields in harsh winter conditions, often only at night, and forced to hide to survive, with limited access to food and water.

82. In response to the influx of displaced individuals from Baghuz, SDF established temporary managed sites some 700 metres away from the front lines – in violation of international humanitarian law²² – where escaping individuals were held with limited access to medicine and sanitary services for up to two days, pending completion of screening procedures. Men and boys as young as 12 years of age, perceived to be ISIL militants, were separated from women and children, and transferred to detention sites in which most are still being held, without adequate judicial guarantees in conditions conducive to detainee abuse.

83. Women and children, including the wounded and sick, were then crammed into open-air pickup trucks and transferred en masse to Al-Hol camp, in which – by the end of the offensive in March – approximately 73,000 individuals, 92 per cent of whom were women and children, were living. At least 390 preventable deaths were recorded, mostly due to pneumonia, dehydration or malnutrition, primarily affecting boys and girls as young as 5 years old, either en route to Al-Hol or shortly after arrival. Living conditions remain deplorable, with interviewees repeatedly stating how, as at the managed sites, screening procedures often delayed medical assistance despite the presence of visibly ill children, older persons and persons with disabilities, as well as pregnant women and new mothers. Tents were flooded by torrential rains, while dysentery, infections and skin diseases became rampant, compounding the long-term consequences of acute malnutrition. By the end of June, some 800 families had returned to Raqqah Governorate, while other encamped individuals had been transferred to countries in which they might be subject to torture, ill-treatment or the death penalty in violation of the principle of non-refoulement. At the time of writing, some 70,000 persons subsist in Al-Hol camp.

84. Separated from the general population, some 11,000 family members of foreign ISIL fighters are being housed away from food and health points that serve the other residents of the camp. Guarded and fenced off, many described being denied food and prevented from accessing medical care, including for their infant children (some of whom bore visible shrapnel injuries, suffered acute malnutrition and/or eventually perished). SDF holds family members of ISIL fighters in at least two other similar camps, namely Al-Roj (Hasakah Governorate) and Ayn Isa camp (Raqqah Governorate). Incidents of the harassment of encamped women by armed SDF guards are under investigation.

85. As many of their countries of origin initially refused to repatriate them, most families of foreign ISIL fighters, including children, are being held in limbo by SDF. Subsequently, women and children remain at higher risk of further radicalization, especially given the absence of age- and gender-sensitive rehabilitation programmes. Several instances of attacks inflicted by radicalized women against other encamped female residents have also been reported, including beatings, harassment and the burning of tents of women perceived to be “infidels”. Approximately 3,500 children, including 502 who are unaccompanied, subsist in the camp, many of whom were born to foreign fighters, including as a result of rape. As in the case of their mothers, the majority lack identification

documentation, which in turn jeopardizes their rights to a nationality,²³ hinders family reunification processes and puts them at higher risk of exploitation and abuse.

86. Along with ISIL family members, a large number of Yazidi women, girls and boys surfaced from the last ISIL stronghold in Baghuz and were taken by SDF to Al-Hol camp. Often accompanied in the camp by the families of their captors, many concealed their ethnic and religious identities fearing retaliation by ISIL supporters and threats that the group might return. Others feared that the stigma emanating from the myriad atrocities committed against them, including sexual slavery and rape,²⁴ would exclude them from the Yazidi community, as they had often been told by ISIL fighters while in captivity.

87. A decision issued by the Yazidi Supreme Spiritual Council²⁵ announced that rescued Yazidi women would be accepted back into their community, although without their children born to ISIL fighters as a result of rape.²⁶ Survivors who sought to return faced the painful dilemma of either leaving their children in orphanages in the Syrian Arab Republic or be exiled from the community. Scattered in makeshift camps in the east of the Syrian Arab Republic, some Yazidi survivors were confined with the family members of their captors, further exacerbating the trauma of their experiences. After having suffered multiple violations, and with unclear prospects of returning to their community, Yazidi women and children in Al-Hol camp endured limited access to the health care, psychological support and trauma therapy necessary for their recovery.

88. When Yazidi survivors described the crimes that they had experienced and witnessed, it is the loss of identity and sense of belonging, in addition to fear, harm and pain, that emerged as the most common narrative among them, in particular for Yazidi girls. Yazidi boys narrated similar accounts, in addition to denying their ethno-religious origins and forgetting their birth families, names and mother tongue. The trauma of these experiences was compounded in cases of family separation when mothers, as members of the group, had to give up their children born in captivity to orphanages in order to re-enter their community. In some instances, that “choice” contributed to the reluctance of Yazidi mothers to leave Al-Hol camp, further alienating them from their communities. With most Yazidi survivors forced into Al-Hol and similar internment camps in the east of the Syrian Arab Republic, the long-term effects of genocidal harm further challenge the precarious existence and unique characteristics of the Yazidi as an ethnic and religious minority group,²⁷ as well as the intangible aspects of their culture, such as traditional practices and rites, among others.²⁸

D. Gendered harms

89. Syrian women, men, girls and boys have witnessed myriad conflict-related violations, including indiscriminate attacks, unlawful siege warfare, widespread detention and disappearances, in addition to the destruction of key civilian infrastructure, attacks on residences and food supplies. Gender roles, and the inequalities that underpin them, have fuelled and amplified the impact of these violations, inflicting multifaceted harms upon survivors, thereby shaping differently their negative experiences. For example, although gendered harms clearly encompass physical and bodily harm, they often also encompass

23 See the International Covenant on Civil and Political Rights, art. 24, and the Convention on the Rights of the Child, art. 7.

24 The Commission has previously reported on the crimes committed against Yazidi women and girls taken into ISIL-held areas in the Syrian Arab Republic. See conference room paper “‘They came to destroy’: ISIS crimes against Yazidis” (A/HRC/32/CRP.2). Available from www.ohchr.org/EN/HRBodies/HRC/IICISyria/Pages/Documentation.aspx.

25 On 24 April, the Yazidi Supreme Spiritual Council issued a declaration accepting all rescued survivors. The decision was, however, reversed three days later to exclude children born to ISIL fighters.

26 See generally A/HRC/32/CRP.2.

27 Global Justice Center, “Beyond killing: gender, genocide, and obligations under international law” (New York, 2018).

28 Convention for the Safeguarding of the Intangible Cultural Heritage, art. 1.

unacknowledged harm, including distinctive socioeconomic and moral harms, which impact negatively the exercise of a broad range of human rights.

90. Large-scale offensives carried out by all parties affected the continuation of service provision and further impacted civilian infrastructure, often rendering it non-operational without the possibility of repair. In Idlib, access to agricultural lands for women, and in particular those female-headed households in need of securing a sustainable livelihood, has been severely affected following fires that burned tens of thousands of crops and wheat fields. With numerous medical facilities being damaged or completely destroyed by hostilities, many women were forced to give birth in olive fields without the necessary prenatal and postnatal assistance. While services were gradually restored in certain areas in eastern Ghutah, in others they remained largely inexistent. Compounded by the fragile economic situation and the general absence of the rule of law and of protection mechanisms, increased intimate partner violence, especially in Idlib, intensified during the period under review and contributed to rampant child marriage, in particular in eastern Ghutah, to alleviate financial burdens. Interviewees, many of them widows who had lost their spouses as a result of the war, consistently explained that, by doing so, they protected their daughters' "honour" and, by extension, the reputation of the family. A 12-year-old-girl with physical disabilities was married off in Duma for similar reasons.

91. During the period under review, rape and other forms of sexual violence continued to occur. Sexual violence has played a prominent role in the conflict, owing to the fear and threat of rape and the violence committed.²⁹ The Commission is currently reviewing reports of rape and sexual violence against women, including returnees, men and lesbian, gay, bisexual, transgender and intersex civilians that have allegedly been perpetrated in government-controlled areas. Investigations are ongoing.

92. Gendered harms also manifest themselves in the exercise of key rights. In the Syrian Arab Republic, female-headed households have been rapidly increasing as a result of the widespread and systematic arrest and disappearance of men and boys above the age of 15 years by pro-government forces, primarily government forces.³⁰ The death of many of those men and boys went undocumented, leaving family members unable to access any documentation proving the death of their loved ones. Without an official death certificate, women were unable to move forward with the legal aspects of the deaths, which, in turn, impeded inheritance and custody rights and severely restricted freedom of movement, in particular of travel abroad with minor children. Syrian women described that, in order to secure these rights, many were forced to pronounce their spouses dead after four years, or claim abandonment after one year.³¹

93. Syrian women, moreover, faced difficulties in registering their children. As Syrian nationality is conferred to a child through his or her Syrian father,³² Syrian women encountered obstacles when proceeding administratively with civil registration in the absence of the father. Despite legal provisions enabling women to confer Syrian nationality without proving a legal link to the father, including children born out of wedlock, such as in cases of rape,³³ this appeared rarely to be the case, likely owing to social norms and the stigma attached.

94. For example, at the beginning of June, at least 800 families, including Syrian women and children with familial links to foreign ISIL fighters, left Al-Hol camp for Raqqah Governorate. Interviewees described how attempts to register and confer nationality to their children born to foreign fighters before government civil registry offices in Hama Governorate had been largely unsuccessful. Far from being in the best interest of the child,

29 See conference room paper "‘I lost my dignity’: sexual and gender-based violence in the Syrian Arab Republic" (A/HRC/37/CRP.3). Available from www.ohchr.org/EN/HRBodies/HRC/IICISyria/Pages/Documentation.aspx.

30 See, e.g., the Commission's "Death notifications in the Syrian Arab Republic", 27 November 2018; and also the conference room paper (A/HRC/31/CRP.1) "Out of sight, out of mind: deaths in detention in the Syrian Arab Republic". Available from www.ohchr.org/EN/HRBodies/HRC/IICISyria/Pages/Documentation.aspx.

31 See Syrian Law of Personal Status, arts. 109 and 205 (2).

32 See Legislative Decree No. 276, art. 3.

33 Ibid. art. 3 (b).

the effects of such decisions substantially limited children's access to health and education, and increased the risks of child exploitation, abuse and trafficking.

95. Women and girls with physical and intellectual disabilities have also been adversely affected by the conflict. In Idlib Governorate, women and girls with disabilities – severely impacted by the lack of economic opportunities – were forced to relocate to Atma cluster camps, run by the “Salvation Government” affiliated with Levant Liberation Organization terrorists. One woman with an amputated leg described the dire living conditions she and her four minor children lived in, without humanitarian assistance and the specialized services indispensable for her movement.

VI. Recommendations

96. As the conflict in the Syrian Arab Republic continues to evolve, it has resulted in the active intervention of a number of Member States in support of and in opposition to the Government through both direct actions on the ground, and through the provision of logistical, material and financial support to non-State armed groups.

97. The Commission reiterates the recommendations made in its previous reports, with particular emphasis on the protection of civilians, including displaced populations, especially in areas in which there are ongoing hostilities.

98. The Commission recommends that the Government of the Syrian Arab Republic:

(a) **Ensure unconditional and sustained access to humanitarian and medical relief for civilians in need and guarantees for the protection of aid and health workers;**

(b) **Assure protection and assistance to displaced and returnee women and girls, including their access to health and other basic services, as well as key rights, such as property and documentation, are addressed in an effective and sustainable manner;**

(c) **Allow unconditional access for independent monitors and humanitarian organizations to all places of detention and release any arbitrarily detained persons, particularly women and children;**

(d) **Take all feasible measures, under Security Council resolution 2474 (2019), to account, search and reveal the fates of those detained and/or disappeared, and further establish an effective channel of communication with families, in particular female spouses, to ensure that their legal, economic and psychological needs are addressed adequately;**

(e) **Implement the recommendations of the Committee on the Elimination of Discrimination against Women, including general recommendation No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations; and recognize its obligations under Security Council resolutions 1325 (2000) and 2122 (2013), reaffirming the need to protect women and girls from sexual and gender-based violence;**

(f) **Ensure that civilians with disabilities have access to services, including education and health care. In addition, there is a need for reintegration, rehabilitation and psychological support to see that their specific needs are effectively addressed, in particular those of women and girls with disabilities, in accordance with Security Council resolution 2475 (2019).**

99. The Commission recommends that the international community:

(g) **Comply with obligations to respect and to ensure respect for the Geneva Conventions relating to the protection of victims of international armed conflict, to refrain from providing arms, funding or other forms of support to parties to the conflict when there is an expectation that such support may be used to perpetrate violations of international law, including sexual and gender-based violence, in**

accordance with Security Council resolution 2467 (2019), as well as resolution 41/20 of the Human Rights Council;

(h) Ratify treaties that promote respect for international humanitarian law and international human rights law when transferring arms, in particular the Arms Trade Treaty, which entered into force in 2014;

(i) Suspend economic sanctions that directly harm the Syrian population, in particular the realization of children's rights;

100. The Commission recommends that the United States-led international coalition forces and SDF:

(j) Review and strengthen current operational and tactical protocols to prevent civilian casualties, particularly in the context of aerial attacks carried out in support of SDF and/or international military forces;

(k) Conduct post-operation reviews and investigations, and ensure transparency by publishing results, following allegations of civilian casualties from aerial and night search operations, with a view to identifying broader patterns of harm, improving operational practice and promoting accountability, and ensuring adequate and prompt reparations;

(l) Allow unconditional access for independent monitors and humanitarian organizations to all places of detention, and release any persons detained arbitrarily, particularly women and children;

(m) Ensure that all children under the age of 18 years are detained only as a measure of last resort and, in such exceptional cases, are held for the shortest appropriate period of time, and that they are kept separate from adult detainees.

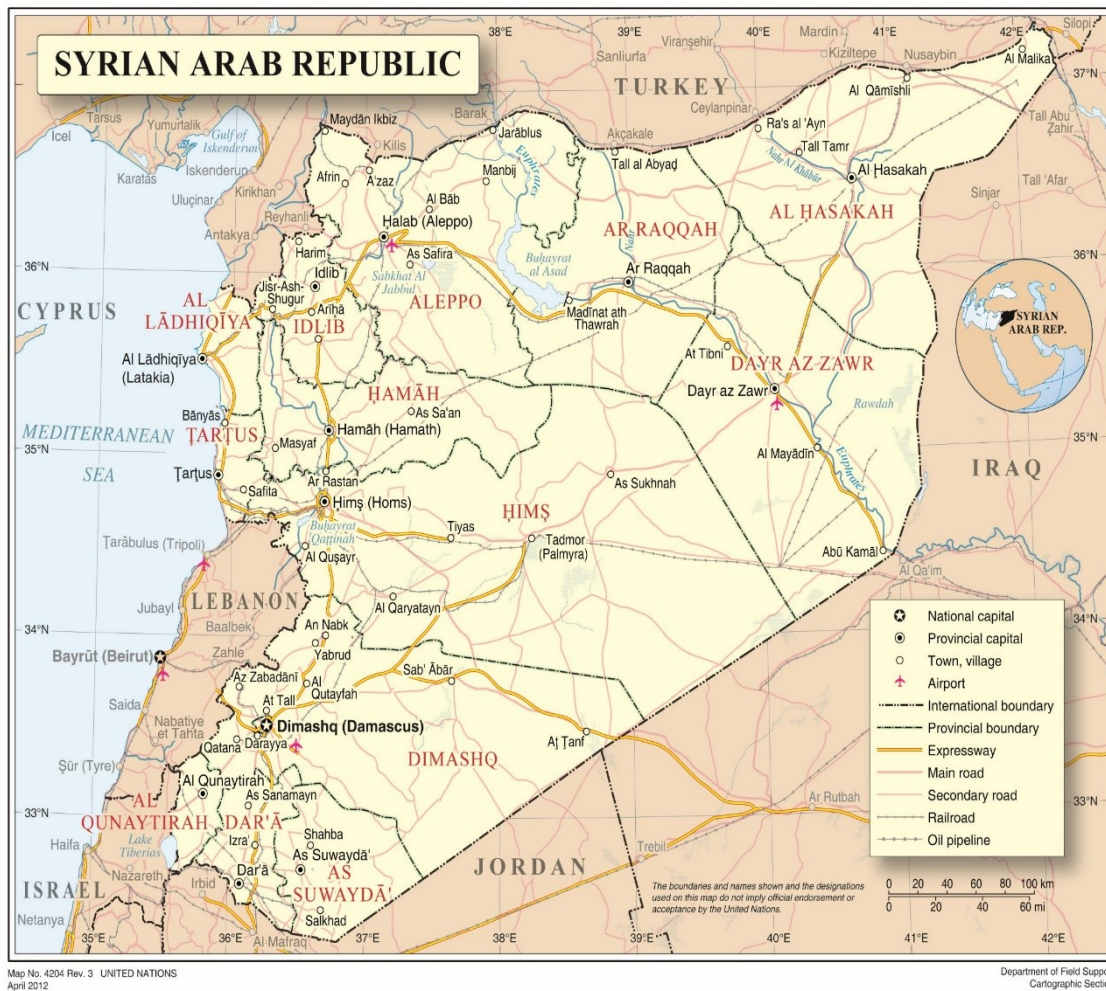
101. In the north-west of the Syrian Arab Republic, and particularly in the demilitarized zone, the Commission recommends that all parties:

(n) Cease attacks on civilians and civilian objects, in accordance with their obligations under international humanitarian law and Security Council resolution 2286 (2016), and in particular against medical facilities, personnel and transport;

(o) Prioritize seeking a sustainable solution to the current crisis in the demilitarized zone through an inclusive and Syrian-led political process according to Security Council resolution 2254 (2015);

(p) Implement the memorandum on the stabilization of the situation in the Idlib de-escalation area signed by the Russian Federation and Turkey on 17 September 2018.

Annex I

Map of the Syrian Arab Republic³⁴

Annex II

Attacks in Idlib, northern Hama, Ladhqiyyah and western Aleppo

1. On 4 April, at approximately 10.30 a.m., Government forces launched a surface-to-surface rocket attack consisting of at least three rockets with prohibited cluster munitions in Kafr Nabl town (southern Idlib), where approximately 80.000 residents lived. Witnesses described hearing explosions intensifying towards 10.45 a.m., followed by a number of smaller bomblets that exploded in residential areas throughout the town. Within the span of 15 minutes, at least three rockets were launched over a radius of some 800 metres, consisting of cluster bombs that dispersed bomblets 15 centimetres long. Numerous civilian homes were damaged, along with a commercial shop, and a public market known amongst community residents as the “Thursday market,” the day numerous civilians were shopping. At least 14 civilians were killed and 50 others injured, the majority of whom were women and children. Fearing further attacks, the majority of schools and hospitals in Kafr Nabl town were closed down, depriving thousands of education and medical assistance.

2. On 5 May, beginning in early afternoon, multiple air strikes struck a cave-hospital in Haas town, destroying the facility and vital medical equipment. No casualties were endured, however, as 14 staff and up to 20 patients were evacuated to a hospital in Marat al Numan (Idlib) after the first air strike. One interviewee described that, after the attack, he and other staff members ran to take shelter in olive fields some 150–200 metres away, while pro-Government forces launched second and third air strikes that destroyed the hospital. At approximately 3.00 p.m., a fourth air strike hit al-Hayat hospital, largely destroying the structure. At 9.00 p.m. the same day, a fifth air strike was launched al-Hayat hospital that destroyed the building.

3. Also on 5 May, at approximately 5.30 p.m., pro-Government forces attacked Orient hospital in Kafr Nabl (Idlib) three times, with 3 to 5 minutes between each strike. Orient hospital was the closest medical facility to the Hass cave hospital, and had served up to 500 patients per day. The first air strike struck the main entrance. Two persons were killed and another five injured. The attacks rendered Orient hospital completely destroyed and inoperable. Some 8,000 families fled Kafr Nabl since the first onslaught of aerial attacks in February, many of whom were left with no choice but to shelter under olive trees throughout northern Idlib. Also on 5 May, pro-Government forces launched air strikes against al-Sham hospital.